

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CRAIG PRESNALL, BRIAN HUBER, JEFF RUSHING, BRYAN SANDERS, as Trustee of the 2012 Sanders Trust, WILLIAM McCUTCHEN, DELANO VINCE VINCENT, DAVID WILTGEN, NICOLAS KYRIAZIS, HELEN KYRIAZIS, JOHN KEITH TAYLOR, PERAN JED FORD, GARY THOMPSON, JANIE HODGES, WILLIAM CLAXTON, JONATHAN, BRUCE TURNER, JEAN BORDELON, THOMAS HAAS, BENJAMIN SWEERS, PATRICK OGNOWSKI, KEVIN KNIGHT, DON BOOK, GARY MASSINGILL, WILLIAM MARCINIAK, BARRY BENTLE, and KEN SANDERS,

Plaintiffs,

v.

ANALOGIC CORPORATION and ONCURA PARTNERS DIAGNOSTICS, LLC,

Defendants.

No. 17 Civ. 06662 (PKC)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS THE THIRD, FOURTH, FIFTH, SIXTH, AND EIGHTH CAUSES OF ACTION IN PLAINTIFFS' FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Defendants' Motion to Dismiss the Third, Fourth, Fifth, Sixth, and Eighth Causes of Action in Plaintiffs' First Amended Complaint, the Declaration of Hallie B. Levin, and the exhibits attached thereto, Defendants Analogic Corporation and Oncura Partners Diagnostics, LLC, by and through their undersigned counsel, will move this Court, before the Honorable P. Kevin Castel, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York 10007, at a time and date convenient for the Court, for an order dismissing with prejudice the third, fourth, fifth, sixth, and eighth causes of action in Plaintiffs' First Amended Complaint for failure to state a claim upon which relief can be granted and the

eighth cause of action for lack of subject matter jurisdiction. The basis for the motion is set forth in the accompanying Motion to Dismiss.

Dated: New York, New York  
January 5, 2018

Respectfully submitted.

/s/Hallie B. Levin

Hallie B. Levin

Fiona J. Kaye

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